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10/034,190	12/28/2001	Sanchaita Datta	3003.2.10B	7737

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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/034,190	Applicant(s) DATTA ET AL.	
	Examiner Philip B. Tran	Art Unit 2155	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 17 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Summary of claimed subject matter does not refer to specification by page and line number, and to the drawings, if any, by reference characters for each claimed function/limitation of each of the independent claims and each of the dependent claims involved in the appeal. Applicant has no clear explanation whatsoever for each claimed function/limitation of each claim. Instead, applicant quotes several pages and figures from specification (See Attachment).

Philip Tran
PRIMARY EXAMINER

For example, applicant quotes pages 5, line 19 - page 14, line 2 and figures 1-7 in the preamble of claim 1 and does not give any clear explanation for each claimed function/limitation :

1. A connection-sensitive domain name resolution device (see, e.g., page 5 line 19 page 14 line 2, reference 112, Figures 1-7), comprising:

a data component (114) identifying IP addresses for at least two paths to a server 104) which has a domain name (No clear explanation for this claimed function/ limitation); and

a code component (116) which receives (702) a domain name resolution request specifying the domain name, selects (704) an IP address, from the data component based on information about the status of a path to the server, said information obtained at least in part by pinging a router (108) on a path to the server to determine if the router is a reliable connection component said IP address selection made without regard to the router's proximity to the server, and supplies (706) the selected IP address in response to the domain name resolution request (No clear explanation for this claimed function/limitation).

Applicant quotes page 14 line 3 - page 19 line 2 and figures 1-7 in the preamble of claim 8 and does not give any clear explanation for each claimed function/limitation:

8. A method (see, e.g., page 14 line 3 - page 19 line 2, reference 112, Figures 1-7) for distributing domain name resolution results over multiple paths, the method comprising the steps of:

receiving (702) a domain name resolution request which requests an IP address corresponding to a specified domain name (No clear explanation for this claimed function/limitation);

determining that at least one router (108) is operating reliably and thus is a reliable connection component, by using (704) status information of the router, the status information including at least one of the following: whether the router answered a ping, when the router was last pinged, and whether no ack was received before timeout for packets sent to the router, the router being in a path to a server having the domain name, the router having an IP address (No clear explanation for this claimed function/limitation); and

supplying (706) the IP address of the router in a response to the resolution request without regard to the router's proximity to the server, thereby directing traffic to the server over a path through the route (No clear explanation for this claimed function/limitation).

Claim 13 has the same problem because applicant does not give any clear explanation for each claimed function/limitation.